

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

In re: Eric Lee Snook,)
)
 Debtor.) Case no. 23-20232-drd13

DEBTOR'S RESPONSE TO THE TRUSTEE'S MOTION TO DENY CONFIRMATION
OF THE PLAN ASSIGNED ECF DOC. #15

COMES NOW the Debtor Eric Lee Snook, by counsel and hereby responds to the Trustee's motion to deny confirmation of the plan that was assigned ECF doc. #15; and, suggests as follows:

1. The Trustee requests a copy of the Debtor's most recent income tax return and the returns for both 2021 and 2022 have been uploaded into the Trustee's FTP Server.
2. The Trustee argues that there is non-exempt equity of \$3,734.43 - and the Debtor is having problems ascertaining where the Trustee gets that information from and would encourage the Trustee to elaborate further on the calculation that are being used to arrive at that figure.

The Trustee asserts that there is \$2,384.43 in equity in a 2007 Harley Davidson motorcycle; however, the debtor does not have that motorcycle as it was stolen on about April 29, 2021 and has not been recovered; and, the Debtor is objecting to the Creditor's secured claim #5-1 on that property.

The Trustee asserts that there is \$850.00 in equity in household goods, but

review of schedules B&C will show that the Debtor and his Spouse have claimed \$2000.00 of household goods that were all exempted under §513.430.1(1) RSMo. - so the debtor does not understand where the \$850.00 figure could come from. Maybe the Trustee can elaborate a little more on where the \$850.00 figure comes from.

The Trustee asserts that there is \$500.00 in non-exempt equity in the Debtor's retirement account so the Debtor has filed an amended Schedule C that should alleviate that problem by exempting all of it under §513.430.1(10)(f) RSMo.

3. The Trustee questions the scheduling of the Creditor Personal Finance in Schedule F, because that Creditor has filed a secured claim.

The Debtor has objected to this Creditor's claim as being a secured claim and instead would treat it as an unsecured claim, for the Debtor does not have the 2007 Harley Davidson motorcycle that this creditor claims a security interest in, as that motorcycle was stolen on about April 29, 2021, and has not been recovered.

Also, the Debtor has filed an amended Chapter 13 Plan that includes this secured claim into Part 3.2 of the Plan with a zero valuation - which should place the Creditor's claim fully into a unsecured classification.

WHEREFORE the Debtor prays for the court to deny the Trustee's motion to deny confirmation of the plan that was assigned ECF doc. #15; and, confirm the chapter 13 plan as filed; and grant such other relief as is just and proper under the circumstances.

Respectfully Submitted
/s/Richard L. Beaver

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document or notice thereof, was served electronically by the ECF System upon any Creditor requesting same, and the Trustee this 2d day of June, 2023.

/s/Richard L. Beaver

Richard L. Beaver

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